

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

GEORGE POOLE,

Plaintiff,

v.

DARLENE WANSING, et al.,

Defendants.

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No. 03-4143-CV-C-NKL

ORDER

Plaintiff George Poole has requested leave to file an appeal out-of-time. Pursuant to Fed. R. App. P. 4, the district court may grant an extension of time to file a notice of appeal only for excusable neglect or good cause. Poole has not shown excusable neglect or good cause for failing to file his notice of appeal within thirty days of the entry of judgment. Poole's motion explains why he did not file timely exceptions to the Report and Recommendation of the United States Magistrate Judge, but does not explain the delay in filing his notice of appeal. Accordingly, it is

ORDERED that plaintiff George Poole's motion of September 13, 2006, for leave to file a notice of appeal out-of-time is denied. [70]

/s/_____

NANETTE K. LAUGHREY
United States District Judge

Dated: November 16, 2006
Jefferson City, Missouri